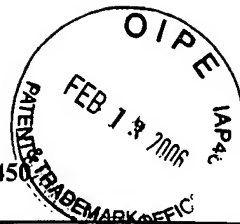


PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE
Commissioner for Patents
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or Fax (571) 273-2885**



INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

20995 7590 11/14/2005

**KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
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IRVINE, CA 92614**

02/15/2006 SSESHE2 00000060 10679963

01 FC:1501 1400.00 OP
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| | |
|-----------------------|--------------------|
| <u>John M. Grover</u> | (Depositor's name) |
| <u>[Signature]</u> | (Signature) |
| <u>2/13/2006</u> | (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/679,963 | 10/06/2003 | Gene Mason | MASIMO.353A | 3580 |

TITLE OF INVENTION: OPTICAL PROBE INCLUDING PREDETERMINED EMISSION WAVELENGTH BASED ON PATIENT TYPE

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|-----------|-----------------|------------------|------------|
| nonprovisional | NO | \$1400 | \$300 | \$1700 | 02/14/2006 |

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|---------------------|----------|----------------|
| WINAKUR, ERIC FRANK | 3735 | 600-323000 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

- 1 Knobbe, Martens,
- 2 Olson & Bear LLP
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Masimo Corporation

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Irvine, CA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

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5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

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Authorized Signature

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Typed or printed name

John M. Grover

Registration No.

42,610

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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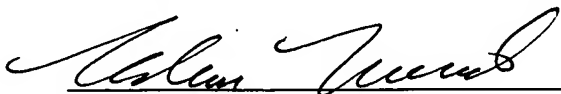
CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Attorney Docket No. : MASIMO.353A
Applicants : Gene Mason et al.
For : OPTICAL PROBE INCLUDING
PREDETERMINED EMISSION
WAVELENGTH BASED ON PATIENT
TYPE
Attorney : John M. Grover
"Express Mail"
Mailing Label No. : EV 718230842 US
Date of Deposit : February 13, 2006

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Please Direct All Correspondence to Customer Number **20995****ISSUE FEE TRANSMITTAL LETTER**

Applicants : Gene Mason et al.
App. No : 10/679,963
Filed : October 6, 2003
For : OPTICAL PROBE INCLUDING
PREDETERMINED EMISSION
WAVELENGTH BASED ON
PATIENT TYPE
Art Unit : 3735
Class/Sub-
Class : 600-323000
Examiner : Eric F. Winakur

Confirmation No.: 3580

Express Mail Certification

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February 13, 2006

(Date)

John M. Grover, Reg. No. 42,610

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing is the Issue Fee for the above-identified application:

- (X) Form PTOL-85;
- (X) a check in the amount of \$1,700 for the following fees:
 - (X) \$1,400 Issue Fee
 - (X) \$300 Publication Fee; and
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The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

John M. Grover
Registration No. 42,610
Attorney of Record
Customer No. 20,995
(949) 760-0404